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**BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GREG DENNIS BURNETT
929 Harrison Street, no. 2
Monterey, CA 93940

Respondent.

Case No. 5-2003

OAH No. N2004050301

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 19, 2004, Complainant Gretchen L. Kjose, in her official capacity as the Executive Officer of the California Board of Occupational Therapy, Department of Consumer Affairs, filed Accusation No. 5-2003 against Greg Dennis Burnett (Respondent) before the California Board of Occupational Therapy.

2. On or about January 9, 2003, the California Board of Occupational Therapy (Board) issued Occupational Therapy License No. OT 5720 to Respondent. The Occupational Therapy License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2005, unless renewed.

3. On or about March 25, 2004, Nora Lyman, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 5-2003, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 929 Harrison Street, #2, Monterey, California, 93940. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about March 31, 2004, Respondent signed and returned a Notice of Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail at

1 Respondent's address of record and it informed him that an administrative hearing in this matter
2 was scheduled for August 30, 2004. On or about August 24, 2004, Respondent forwarded a
3 letter indicating the he desired to withdraw his Notice of Defense. A copy of Respondent's
4 Notice of Defense, the Notice of Hearing, Declaration of Service and Respondent's letter
5 withdrawing his Notice of Defense are attached hereto as exhibit B, and are incorporated herein
6 by reference.

7 6. Government Code section 11506 states, in pertinent part:

8 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
10 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
11 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

12 7. California Government Code section 11520 states, in pertinent part:

13 "(a) If the respondent either fails to file a notice of defense or to appear at the
14 hearing, the agency may take action based upon the respondent's express admissions or
15 upon other evidence and affidavits may be used as evidence without any notice to
16 respondent."

17 8. Pursuant to its authority under Government Code section 11520, the Board
18 finds Respondent is in default. The Board will take action without further hearing and, based on
19 Respondent's express admissions by way of default and the evidence before it, contained in
20 exhibits A and B, finds that the allegations in Accusation No. 5-2003 are true.

21 9. The total costs for investigation and enforcement are \$1,545.00 as of
22 August 25, 2004.

23 DETERMINATION OF ISSUES

24 1. Based on the foregoing findings of fact, Respondent Greg Dennis Burnett
25 has subjected his Occupational Therapy License No. OT 5720 to discipline.

26 2. A copy of the Accusation and the related documents and Declaration of
27 Service are attached.

28 3. The agency has jurisdiction to adjudicate this case by default.

